

Mathew K. Higbee, Esq., SBN 241380  
Ryan E. Carreon, Esq. SBN 311668  
**HIGBEE & ASSOCIATES**  
1504 Brookhollow Dr., Suite 112  
Santa Ana, CA 92705  
(714) 617-8336  
(714) 597-6559 facsimile  
Email: mhigbee@higbeeassociates.com

*Attorney for Plaintiff,*  
MASTERFILE CORPORATION

**UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA**

MASTERFILE CORPORATION

Plaintiff,

v.

NOVUS MINDFUL LIFE INSTITUTE  
FAMILY COUNSELING AND  
RECOVERY, A.P.C., a California  
corporation; and DOES 1 through 10  
inclusive,

Defendants.

Case No. \_\_\_\_\_

**COMPLAINT FOR DAMAGES AND  
INJUNCTIVE RELIEF**

**DEMAND FOR JURY TRIAL**

Plaintiff, Masterfile Corporation alleges as follows:

**JURISDICTION AND VENUE**

1. This is a civil action seeking damages and injunction relief for  
copyright infringement under the Copyright Act of the United States, 17 U.S.C. §  
101 *et seq.*

2. This Court has subject matter jurisdiction over Plaintiff's claims for

1 copyright infringement pursuant to 28 U.S.C. § 1331 and 28 U.S.C. § 1338(a).

2           3. This Court has personal jurisdiction over Defendants because  
3 Defendants conduct business and reside within the State of California Defendants'  
4 acts of infringement complained of herein occurred in the State of California, and  
5 Defendants caused injury to Plaintiff within the State of California.  
6

7           4. Venue in this judicial district is proper under 28 U.S.C. § 1391(c) and  
8 1400(a) in that this is the judicial district in which a substantial part of the acts and  
9 omissions giving rise to the claims occurred. Alternatively, venue is also proper  
10 pursuant to 28 U.S.C. § 1400(b) because the Defendants reside and have a regular  
11 and established place of business in this judicial district.  
12  
13

14 **PARTIES**

15           5. Plaintiff Masterfile Corporation ("Masterfile" or "Plaintiff") is a  
16 professional media company.  
17

18           6. Defendant Novus Mindful Life Institute Family Counseling And  
19 Recovery, A.P.C. ("Defendant Novus") is a California corporation with a place of  
20 business at 6695 East Pacific Coast Highway, #135, Long Beach, CA 90803.  
21

22           7. Plaintiff is unaware of the true names and capacities of the  
23 Defendants sued herein as DOES 1 through 10, inclusive, and for that reason, sues  
24 such Defendants under such fictitious names. Plaintiff is informed and believes  
25 and on that basis alleges that such fictitiously named Defendants are responsible in  
26 some manner for the occurrences herein alleged, and that Plaintiff's damages as  
27  
28

1 herein alleged were proximately caused by the conduct of said Defendants.  
2 Plaintiff will seek to amend the complaint when the names and capacities of such  
3 fictitiously named Defendants are ascertained. As alleged herein, “Defendant”  
4 shall mean all named Defendants and all fictitiously named Defendants.  
5

6 **FACTUAL ALLEGATIONS**

7  
8 8. Plaintiff Masterfile is a photography agency that specializes in  
9 licensing images for commercial use. Masterfile’s collection features millions of  
10 premium Rights-Managed and Royalty-Free photos and illustrations by world-  
11 class artists covering a wide range of subjects. Masterfile distributes and licenses  
12 images for commercial use in media ranging from editorial publications to print  
13 advertising to websites.  
14

15 9. Masterfile is the author the rights holder to an image of a couple (the  
16 “Image”). Attached hereto as Exhibit A is a true and correct copy of the Image.  
17

18 10. Masterfile registered the Image with the United States Copyright  
19 Office, registration number VA 1-394-757.  
20

21 11. Defendant Novus is commercial business offering couples counseling  
22 and therapy. Defendant Novus advertises its business through its website  
23 [www.novusmindfullife.com](http://www.novusmindfullife.com) (“Defendant’s Website”).  
24

25 12. Plaintiff’s licensing compliance agent made several efforts to contact  
26 Defendants in effort to resolve the matter. Defendants ignored all contact  
27 attempts.  
28

1           13. Plaintiff's attorney made several efforts to contact Defendants in  
2 effort to resolve the matter. Defendants ignored all contact attempts.

3           14. On information and belief, Defendant Novus has the right and ability  
4 to supervise and control the content that appears on Defendant's Website.

5           15. On or about August 24, 2018, Defendant posted a page on  
6 Defendant's Website titled "The Consequences After Discovery Of Infidelity"  
7 prominently featuring use of the Image.  
8

9           16. Attached hereto as Exhibit B is a true and correct copy of Defendant's  
10 infringing use of the Image on Defendant's Website.  
11

12           17. Masterfile had no record of issuing a license or otherwise authorizing  
13 Defendant to use the Image on Defendant's Website.  
14

15                           **FIRST CAUSE OF ACTION**  
16                           **COPYRIGHT INFRINGEMENT**  
17                           **17 U.S.C. § 101 *et seq.***

18           18. Plaintiff incorporates by reference all of the above paragraphs of this  
19 Complaint as though fully stated herein.  
20

21           19. Plaintiff did not consent to, authorize, permit, or allow in any manner  
22 the distribution of the Image by Defendant.

23           20. Plaintiff is informed and believes and thereon alleges that the  
24 Defendant willfully infringed upon Plaintiff's copyrighted Image in violation of  
25 Title 17 of the U.S. Code, because, *inter alia*, Defendant knew it did not have the  
26 right to use Image on Defendant's Website.  
27  
28

1           21. As a result of Defendant's violations of Title 17 of the U.S. Code,  
2 Plaintiff is entitled to any actual damages and disgorgement of profits pursuant to  
3 17 U.S.C. §504(b), or statutory damages in an amount up to \$150,000.00 per  
4 infringement pursuant to 17 U.S.C. § 504(c).

6           22. As a result of the Defendant's violations of Title 17 of the U.S. Code,  
7 the court in its discretion may allow the recovery of full costs as well as reasonable  
8 attorney's fees and costs pursuant to 17 U.S.C § 505 from Defendants.

10           23. Plaintiff is also entitled to injunctive relief to prevent or restrain  
11 infringement of its copyright pursuant to 17 U.S.C. § 502.

12  
13 **PRAYER FOR RELIEF**

14 **WHEREFORE**, Plaintiff prays for judgment against Defendant as follows:

- 15           • For an order pursuant to 17 U.S.C. § 502(a) enjoining Defendants from any  
16 further infringing use of any of Plaintiff's Images;
- 17           • For an award of actual damages and disgorgement of all of Defendant's  
18 profits attributable to the infringement as provided by 17 U.S.C. § 504 in an  
19 amount to be proven or, in the alternative, at Plaintiff's election, an award  
20 for statutory damages against Defendants in an amount up to \$150,000.00  
21 for each infringement pursuant to 17 U.S.C. § 504(c), whichever is larger;
- 22           • For costs of litigation and reasonable attorney's fees against Defendant  
23 pursuant to 17 U.S.C. § 505;
- 24           • For an award of pre- and post-judgment interest; and
- 25           • For any other relief the Court deems just and proper.

26 Dated: February 22, 2019

Respectfully submitted,

27 /s/ Mathew K. Higbee  
28

Mathew K. Higbee, Esq.  
Cal. Bar No. 241380  
**HIGBEE & ASSOCIATES**  
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Santa Ana, CA 92705-5418  
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(714) 597-6559 facsimile  
*Counsel for Plaintiff*

**DEMAND FOR JURY TRIAL**

Plaintiff Masterfile Corporation hereby demands a jury trial in the above  
matter.

Dated: February 22, 2019

Respectfully submitted,

**/s/ Mathew K. Higbee**  
Mathew K. Higbee, Esq.  
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